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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,291	09/12/2003	Ted R. Bokan	14190	7466
7590	06/22/2004		EXAMINER	
Richard W. Goldstein 2071 Clove Road Staten Island, NY 10304			HORTON, YVONNE MICHELE	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/661,291	TED R BOKAN
	Examiner	Art Unit
	Yvonne M. Horton	3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 September 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 12-14 is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) 2-11 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 September 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/12/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,947,609 to CHAMPAGNE. CHAMPAGNE discloses a siding system comprising a plurality of substantially identical siding assemblies (44,64), wherein while being deployed to cover a support structure (ST), the plurality of siding assemblies (44,64) are arranged in a series, wherein the next higher of any two siding assemblies (44,64) of the series is attached to the support structure (ST) at a position which is closer to the upper portion of the support structure (ST), and wherein the next lower of any two siding assemblies (44,64) of the series is attached to the support structure (ST) at a position which is closer to the lower portion of the support structure (ST), each siding assembly (44,64) comprising:

a wall bracket (10) having an attachment plate (12) having a top, a bottom, a first side, a second side, a front surface, and a rear surface, wherein said attachment plate (12) is selectively attachable to the vertical support structure(ST), said attachment plate having a flange (14,16,18,34) which projects outward from its front surface for selectively engaging the next

higher siding assembly in the series, said wall bracket (10) having an outwardly projecting lip (22,36) extending partially downward from the front surface of the attachment plate at an acute angle to the attachment plate (12), said lip (22,36) extending at least partially between the first and second sides of the attachment plate (12) at a position between the top and the bottom of the attachment plate (12), thereby forming a tab engagement channel (CH); and an associated siding panel (44,64), selectively attachable to its own wall bracket (10) and to the wall bracket (10) of the next lower siding assembly (44,64) in the series, said siding panel (44,64) having a front surface, a rear surface, a top a bottom, a top edge, a bottom edge, and a locking tab (52,5) in proximity to its top edge for selectively engaging the tab engagement channel (CH) of its associated wall bracket (10), wherein the locking tab (52,56) extends at least partially between the sides of the top of the panel (44,64), and wherein the bottom edge of the panel (44,64) has an inwardly extending substantially hollow channel (HC) having an opening, wherein said siding panel (44,64) is selectively attached to the wall bracket (10) of the next lower siding assembly (44,64) in the series by snapping the channel onto the flange (34) of said wall bracket (10) by the user pushing the bottom edge (60,70) of the panel toward the wall

bracket (10), wherein after selective attachment of the plurality of siding assemblies (44,64) to the support structure (ST), the siding panels (44,64) of adjacent siding assemblies (44,64) in the series are arranged in a head-to-tail series, wherein the top of each siding panel (44,64) substantially abuts the bottom of the next siding panel (44,64) in the series, and wherein the top of each panel (44,64) is more proximal to the upper portion of the support structure (ST), and the bottom of each panel (44,64) is more proximal to the lower portion of the support structure (ST), see the marked attachment.

Allowable Subject Matter

Claims 2-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 12-14 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH
June 11, 2004

U.S. Patent

Aug. 14, 1990

4,947,609

